

1 information that's being transmitted on the channel that you
2 need to find out about it and certainly, at the least, you
3 can't transmit over it anymore than that other user would
4 transmit over you. I can't, I can't condone that, not --
5 certainly not under the rules that we currently operate under.

6 Q Mr. Peters, I'm going to ask you this question again
7 because you haven't answered it and it's very critical.

8 A Okay.

9 Q If it appeared to RAM Technologies and they've been
10 operating on a PCP frequency for some time and they're
11 familiar with what communications go out over that frequency
12 because they're required to monitor, you understand that,
13 don't you?

14 A They're required to monitor but not listen.

15 Q Okay. So they recognize certain communications on
16 those communications because they -- on that frequency because
17 they've been doing it. So in the case where they repeatedly
18 for 24 hours a day, days on end, hear what appears to be
19 impermissible communications and they contact the FCC and the
20 FCC says we can't get out there soon enough to investigate,
21 but they're on a shared frequency so they got to hold back
22 until those communications are done, what is it in that case
23 that RAM should have done?

24 A What did they do?

25 Q I'm asking you as an expert, Mr. Peters, because you

1 --

2 A They should have protected the integrity of the
3 signals on that channel, period.

4 Q Does that include --

5 A They should have protected the integrity of those
6 other signals on that channel because they didn't know, for
7 example, that that might not be pacemaker output from some
8 cardiac patient or something. I mean, if RAM makes it --
9 listens to a channel, doesn't understand the nature of the
10 communication -- this is the question you've just asked, Mr.
11 Joyce -- doesn't understand and makes a judgment that they can
12 just start ripping up, no, I don't agree with that.

13 Q Mr. Peters, you were here when Dale Capehart
14 testified?

15 A I was.

16 Q All right. Did he say to you that the tone sequence
17 that he heard that he thought it might have been pacemaker?

18 A I don't think he mentioned pacemakers.

19 Q Ray Bobbitt, you heard him testify, didn't you?

20 A Yes, I did.

21 Q And you heard him testify that he heard the same
22 tone sequence going over and over again?

23 A Yes.

24 Q Did he say geez, you know, there is a possibility
25 that that could have been a pacemaker? Did he say that?

1 A I don't recall that testimony, no.

2 Q All right. The fact is, Mr. Peters, that these
3 gentlemen who really know their system at least testified here
4 that to the best of their ability, to the best of their
5 knowledge, that was not legitimate communications, those
6 repeated tone sequences. Isn't that true?

7 A I don't recall that statement either.

8 Q What do you recall that they said about the tone
9 sequence, Mr. Peters?

10 A I don't recall them making a judgment as to whether
11 the tone sequence was either okay or not okay. I really do
12 not. I don't remember that they said that or that they made a
13 judgment on the, on the validity or the -- of the signals. I
14 don't know that anybody has --

15 Q Were you out of the room when they testified about
16 that?

17 A Could have been.

18 JUDGE CHACHKIN: Mr. Joyce, you trouble me. Are you
19 suggesting that a licensee is entitled to make a judgment
20 concerning whether or not the transmissions of a competitor
21 are legitimate or not and if they decide in their own judgment
22 that it isn't and proceed to transmit over it? Is that what
23 you're suggesting?

24 MR. JOYCE: Mr. Capehart testified that he called
25 Dick Shiben, Richard Shiben.

1 JUDGE CHACHKIN: And Richard Shiben said he could do
2 it?

3 MR. JOYCE: He said do what you have to do.

4 JUDGE CHACHKIN: Did he tell -- authorize him to
5 override the signal, the transmission? I would be very
6 surprised if the Bureau ever suggested that.

7 MR. JOYCE: There's a letter in the --

8 JUDGE CHACHKIN: The letter doesn't say that he
9 authorized RAM to override the transmission.

10 MR. JOYCE: The implication of the FCC's letter is
11 not that the FCC authorized somebody to override
12 transmissions, but that if someone is communicating on a
13 shared frequency the only obligation to shut down is when
14 there are other legitimate communications on that frequency.

15 MS. LADEN: Your Honor --

16 MR. HARDMAN: Your Honor, what the record showed
17 when this was in response to questions I asked Mr. Capehart
18 was that, that in response to that situation RAM put a two
19 minute timeout device on their system whereby they would delay
20 a maximum of their transmissions a maximum of two minutes
21 whether the channel was clear or not and that in doing so they
22 knew that it was illegal under FCC rules. Now, that is not
23 the characterization that Mr. Joyce has made for the record.

24 MR. JOYCE: A letter was --

25 MS. FOELAK: Your Honor --

1 MR. JOYCE: Go ahead. I'm sorry.

2 MS. FOELAK: Your Honor, Mr. Shiben's letter which
3 is Capitol Exhibit 25 speaks for itself and it clearly states
4 that these transmissions were not -- well, were no good.

5 JUDGE CHACHKIN: Which were not good?

6 MS. FOELAK: The use of the two minute timer.

7 JUDGE CHACHKIN: Was not proper?

8 MS. FOELAK: Correct.

9 MR. JOYCE: The timer is not the issue in my
10 questions here, Your Honor.

11 JUDGE CHACHKIN: Well, you -- you're asking him --
12 you're saying that a licensee has a right to determine if in
13 his judgment the transmissions of a competitor somehow are not
14 legitimate that he in his own right has a right to override
15 it. He has a right to be decision maker, to decide that he
16 will override the signals.

17 MR. JOYCE: Your Honor --

18 JUDGE CHACHKIN: That's what you're suggesting.

19 MR. JOYCE: I am because I didn't make up the FCC's
20 rules and the FCC does not have sufficient manpower to have
21 somebody in 24 hours go out there and determine what's
22 permissible communications and what's not.

23 JUDGE CHACHKIN: Well, let me ask you this, Mr.
24 Joyce. What if you're wrong? What if the signals were
25 legitimate? Does that mean that you should have your licensee

1 | revoked because you acted in an improper fashion? Are you
2 | willing to take that responsibility, too? You've made the
3 | judgment. Now what if you're wrong? What if any licensee is
4 | wrong?

5 | MR. JOYCE: Causing harmful interference to each
6 | other, RAM Technologies would be subject to similar findings
7 | if a determination was made that they were intentionally
8 | causing interference to harmful communications.

9 | JUDGE CHACHKIN: Well, I'm not aware of any time --
10 | anything in the FCC rules or case law which says that a
11 | licensee can decide for himself that a transmission is not
12 | legitimate and, therefore, he's going to override the signal
13 | and put his own transmissions on. I'm not aware of any such
14 | case precedent. Are you?

15 | MR. JOYCE: Your Honor, I don't think this is very
16 | esoteric. It's no different between Channel 4 sending out its
17 | signal on top of static interference from a CB radio operator.

18 | JUDGE CHACHKIN: Well --

19 | MR. JOYCE: There's interference and there's proper
20 | communications.

21 | JUDGE CHACHKIN: Then who decides that?

22 | MR. JOYCE: The FCC ultimately does. They made the
23 | decision and they rendered a Hearing Designation Order and
24 | they said --

25 | JUDGE CHACHKIN: Well, as far as I know they haven't

1 rendered a decision on RAM's performance.

2 MR. JOYCE: They did.

3 JUDGE CHACHKIN: Where?

4 MR. JOYCE: Two letters were issued and I believe
5 they've been submitted here.

6 JUDGE CHACHKIN: Saying RAM acted properly?

7 MR. JOYCE: Quite to the contrary. Mr. Shiben sent
8 a letter out to RAM Technologies saying our engineers
9 investigated both of your operations and it would appear that
10 RAM Technologies at certain times was transmitting on top of
11 Capitol transmissions, but it also appears that at no time did
12 Capitol have legitimate pagers in operation.

13 JUDGE CHACHKIN: I'm not aware of any such -- show
14 me where there's any correspondence of that nature.

15 MS. FOELAK: Your Honor, I think Mr. Joyce is
16 referring to Capitol Exhibit 25 which he is perhaps not
17 interpreting -- well, you'll have to read it for yourself, you
18 know, judge for yourself what it says.

19 MR. JOYCE: No, I'm not -- I don't think I'm
20 referring to that.

21 JUDGE CHACHKIN: Well, what are you referring to?

22 MS. FOELAK: Yes, you are. I mean, at any rate,
23 Capitol Exhibit 25 is a July 30, 1992 letter of reprimand from
24 Mr. Shiben to RAM concerning this interference caused by the
25 use of this two minute --

1 JUDGE CHACHKIN: Capitol Exhibit 25?

2 MS. FOELAK: Yes. It was handed out -- it was not
3 part of the bound exhibits.

4 JUDGE CHACHKIN: Oh, I see. Oh, I see. I got it,
5 yes. All right.

6 MR. HARDMAN: And if Your Honor will refer to the
7 second page, the last sentence at the paragraph at the top of
8 the page, the premise on which this letter was written was
9 that the Commission believed that Capitol's transmissions,
10 these tone transmissions that we're talking about, that Mr.
11 Shiben believed they were primarily, primarily for the purpose
12 of intentionally obstructing RAM's communications. Now,
13 there's certainly evidence about the nature of those tone
14 transmissions here and whether they were for that purpose or
15 not but, nonetheless, going back to the first sentence of the
16 second paragraph on page 1, yeah, Mr. Shiben refers to
17 interference to legitimate transmissions of other duly
18 authorized Commission licensees and if it caused interference,
19 which is not specifically defined, it would be a clear
20 violation of Section 94.05(e). So I guess one of the issues
21 is whether these were legitimate transmissions or not and what
22 I believe the witness is, is speaking to is who makes that
23 determination and on what basis.

24 MR. JOYCE: Well, again, I don't need to have Mr.
25 Hardman prompt his witness every day for us to get through

1 this, Your Honor.

2 JUDGE CHACHKIN: Well, we've gone through it. You
3 -- I don't understand it. It's Capitol who was -- why are you
4 trying to justify RAM's actions? Are you anticipating further
5 action by the Bureau or what? I don't understand where you're
6 going with this.

7 MR. JOYCE: He's testified in his direct testimony
8 categorically that --

9 JUDGE CHACHKIN: Yes, what? What did he refer to in
10 his, in his direct -- the questions you've been posing for the
11 last half-hour --

12 MR. JOYCE: He says at page 11 of his testimony --

13 JUDGE CHACHKIN: Yes.

14 MR. JOYCE: -- that the interference was caused 90
15 percent of the time by RAM and only 10 percent by Capitol and
16 that's preposterous, Your Honor.

17 MR. HARDMAN: Well, I haven't heard any questions
18 designed to test the witness on that.

19 JUDGE CHACHKIN: I haven't either.

20 MR. JOYCE: I'm getting there if I could be allowed
21 to finish.

22 JUDGE CHACHKIN: Well, you sure have taken a long
23 about road to get there.

24 BY MR. JOYCE:

25 Q We've had trouble defining what's legitimate

1 | communications and what's not, but certainly if you're not
2 | sending out a signal to a paging customer that's not
3 | legitimate communications, is it, Mr. Peters?

4 | A Of course it is. I thought that's what this was all
5 | about. Testing is a legitimate communication.

6 | Q I really don't want to have to go over this again,
7 | Mr. Peters, but you'll have to concede with me, I thought we
8 | had, that there's also such a thing as illegitimate testing,
9 | right?

10 | A If you want to go over this again, yes, there is.

11 | Q Okay. And then there's also communications that
12 | doesn't serve any purpose at all? It's not going out to --
13 | it's not for testing purposes and it's not going to a
14 | customer, so that's just completely impermissible
15 | communications? Correct?

16 | A Okay.

17 | Q All right. Now, I thought that Mr. Walker had
18 | determined in his investigation that he hadn't heard any
19 | customers on the air, any Capitol customers, that week. Isn't
20 | that true?

21 | A Mr. Walker, as I recall, did not know.

22 | Q Did not know of any Capitol customers on the air
23 | during a week's worth of monitoring.

24 | A And that's exactly what I said.

25 | Q All right. So we can rule out the fact that Capitol

1 was, at least during that week, engaged in transmitting to
2 customers, at least while the FCC was monitoring? Correct?

3 A No.

4 Q All right.

5 A Mr. Walker didn't know. If he didn't know, he
6 didn't know.

7 Q Mr. Peters, I would take it that if Capitol was not
8 sending out legitimate pages to customers and if they're not
9 engaged in proper testing they simply have no business
10 operating on the frequency at that time. Isn't that true?

11 A Nobody has any business doing that.

12 Q Okay. You just -- you do what you need to do and
13 you get off the frequency? Correct?

14 A That's generally correct.

15 Q All right. Now, if they were doing testing during
16 that week that wasn't related to their station operations or
17 even if it was excessive, they should have minimized that
18 testing? Correct?

19 A Mr. Joyce, I -- you're asking me questions that I
20 don't have any idea about. I don't know whether anything was
21 related to their -- the operation or maintenance of their
22 station.

23 Q But, Mr. Peters, I have difficulty with that answer
24 because you've made a determination at page 11 top of your
25 testimony that you thought RAM was causing interference 90

1 percent of the time but Capitol only 10. Now, how would you
2 know that?

3 A I'm glad you asked that question. I'm sorry, Mr.
4 Joyce. I checked, and this is my own interpretation and my
5 own reading of the, of the handwritten notes that both of our
6 -- that both of the FCC inspectors had and, and I just simply
7 counted the number of times that they said RAM was
8 transmitting, Capitol came up, Capitol was transmitting, RAM
9 came up. And there was a -- there's a whole sequence
10 including certain times and it's very accurately logged. And
11 what they were doing is sitting in their respective vehicles
12 and listening to the transmissions of both applicants with the
13 clock and at such and such a time RAM was transmitting,
14 Capitol came up while transmitting. That's a case of
15 interference. It's a case of the monitor not working because
16 it didn't occur all the time, but on occasion it would. The
17 same thing occurred when Capitol was transmitting, RAM came
18 up. That statement on page 11 simply said that RAM did --
19 stepped on people more frequently than Capitol did. I just
20 counted up the number of times. That's all I did.

21 Q But if Capitol wasn't engaged in proper
22 communications you're not going to tell me that RAM was
23 causing interference to their communications, are you, Mr.
24 Peters?

25 A I cannot make a judgment as to what is permissible

1 or impermissible. It is a communication on the channel by a
2 licensee.

3 Q I know that, Mr. Peters, but -- and I appreciate
4 your answer. Very specifically, though, you have no idea
5 whether or not any of those communications of Capitol's were
6 proper or not, were permissible?

7 A Legally?

8 Q You weren't there, Mr. Peters.

9 A That's right.

10 Q So you don't know.

11 A Are you asking me for a legal conclusion?

12 Q No, no, no, no.

13 A This is not a legal question.

14 Q Based on your reading of the FCC's report, you can't
15 tell whether or not what Capitol was doing was permissible?

16 A I've already stated that. That's correct.

17 Q All right. And I take it that if you knew that it
18 was impermissible communications, Capitol, your testimony
19 would be that RAM could continue to transmit because it's not
20 as if they're interfering with proper communications? So if
21 --

22 A No, sir. I cannot testify to that.

23 Q -- if Capitol was not engaged in permissible
24 communications on that frequency --

25 A I can't make that determination.

1 Q You misunderstand my question. I apologize. I'm
2 just saying based on your understanding of the FCC's rules and
3 the shared frequency environment, and you've had a lot of
4 experience in shared frequency operation, in any case where
5 somebody is not engaged in permissible communications isn't it
6 true that the other parties are allowed to transmit on that
7 frequency?

8 A If I knew, Mr. Joyce, that the -- let me answer your
9 question. If I knew that the, that the transmissions were
10 coming from another licensee, an authorized licensee on like
11 channel, I could not in all good conscience make a
12 determination that it was permissible or impermissible. If I
13 could determine that the, that the information that was on the
14 channel was from some totally unrelated source, not a licensed
15 user of the channel like that CB thing that you mentioned
16 earlier --

17 Q Right.

18 A -- then I would say go ahead.

19 Q Okay. So, although the judge was concerned with my
20 suggesting that shared frequency licensees have to make these
21 determinations, I mean, that's fairly normal in shared
22 frequency environment for you to make a determination as to
23 whether or not they're permissible or, or just impermissible
24 communications.

25 JUDGE CHACHKIN: Mr. Joyce, you missed his response

1 entirely. He said if it was a licensee on a shared channel
2 then he couldn't say it was permissible or impermissible.

3 MR. JOYCE: I thought you said, Mr. Peters, that the
4 CB example would be an example of impermissible communications
5 clearly, would it not?

6 MR. PETERS: Yes.

7 MR. JOYCE: Okay.

8 JUDGE CHACHKIN: But the CB is because he has no
9 right to be on the channel. That's the distinction he made.

10 BY MR. JOYCE:

11 Q And, Mr. Peters, even if I'm licensed to be on that
12 channel I take it if I were to take my television, turn up the
13 volume real high and plug it into my transmitter so that I'm
14 sending I Love Lucy over that frequency clearly that's
15 impermissible communications, is it not?

16 A That's -- I've never run into that situation.

17 Q I know that, Mr. Peters. It's a hypothetical.
18 Clearly that's impermissible communications, is it not?

19 A For the sake of your argument, I'll say yes, it is.

20 Q Okay. So even though I'm licensed to operate on a
21 shared frequency, surely there are limits to the type of
22 things I can transmit on a shared frequency, are there not?

23 A I -- yes. Under those circumstances I would say
24 yes.

25 Q And if your client in a shared frequency situation

1 knows that another licensed operator on a shared frequency is
2 just intentionally transmitting -- again, this is just a
3 hypothetical, but if your client knows that the other licensee
4 is intentionally just plugging in broadcast communications
5 which are not private radio or some kind of nonsense into that
6 frequency, you can in good conscience tell your client of
7 course you can transmit because that's impermissible
8 communications, can you not?

9 A Not I, sir. I'm sorry --

10 MS. FOELAK: Your Honor?

11 JUDGE CHACHKIN: Yes.

12 MS. FOELAK: It's not totally clear to me what the
13 relevance of the permissibility is, but I know that Mr.
14 Hardman did mention that Mr. Peter's time was limited, and --

15 JUDGE CHACHKIN: Well, I agree. We've spent an hour
16 spinning our wheels. I don't know where we're going with
17 this.

18 MS. FOELAK: -- the Bureau, of course, has it's own
19 --

20 JUDGE CHACHKIN: If people would have objected -- I
21 don't see we're gaining -- going anywhere. This is -- we've
22 gone around the same subject for an hour with your
23 theoreticals.

24 MR. JOYCE: I'll move on.

25 JUDGE CHACHKIN: Can't we move on to something that

1 is testimony?

2 BY MR. JOYCE:

3 Q Mr. Peters, you testified to the possibility that
4 what Bob Moyer said was a stereo interference problem and Dale
5 Capehart testified to it and Ray Bobbitt testified. You said
6 it could possibly just be intermodulation? Isn't that
7 correct?

8 A That's a very real possibility.

9 Q Sure, but you heard them testify to the fact that
10 they could hear an exact duplication of Capitol's RCC traffic
11 with one receiver and the same was being rebroadcast onto a
12 private carrier paging shared frequency? Correct?

13 A On the second receiver --

14 Q Yes.

15 A -- is my understanding, yes.

16 Q Correct. All right. I gather your testimony would
17 be that Mr. Moyer and Mr. Capehart and Mr. Bobbitt don't know
18 the difference between an intermodulation interference problem
19 and the duplication of a paging signal?

20 A No.

21 Q Is that fair to say?

22 A No, not at all. The implication is not that at all.
23 I wouldn't know the difference unless I investigated and found
24 out that it was intermodulation or wasn't intermodulation,
25 determined what the, what the cause of this thing was. Nobody

1 can tell. I mean, certainly not I and not those other
2 gentlemen. I have no reason to believe that they didn't hear
3 that.

4 Q But they did get interference and they did
5 investigate the problem and they determined that the call sign
6 was Capitol's and that it was being rebroadcast crystal clear
7 on their channel and they never said anything about this being
8 an intermodulation problem, did they, Mr. Peters?

9 A No, but it's classic intermodulation.

10 Q All right. We'll move on. That's what I want to
11 get to. Now, I know enough about interference problems to be
12 dangerous, Mr. Peters. It's my understanding that
13 intermodulation problems occur typically when you have a
14 antenna site with a bunch of different transmitters located
15 near each other. Isn't that typically how that happens?

16 A That's -- in some cases it happens that way, yes.

17 Q The fact is more times than not that's what happens,
18 isn't it, Mr. Peters?

19 A More times than -- yes, probably. Yes.

20 Q Right.

21 A I think that's fair.

22 Q Right. And what -- it's not all that a
23 sophisticated problem, is it? You've got transmitters
24 operating on different frequencies located certain distances
25 from each other and the signals go out there and they, they

1 mid and they form a third signal. Isn't that sort of what
2 happens roughly speaking?

3 A Very roughly, yes.

4 Q Yeah. Okay.

5 A But they -- no. It takes another -- I'm sorry. It
6 -- that's almost right. It is a mixing process, but the
7 mixing process generally occurs some place.

8 Q Sure.

9 A Okay? In other words, it doesn't just happen in the
10 air.

11 Q Yeah. You -- one of your receive antennas somewhere
12 or your control antenna or something --

13 A It could be in the front end of the receiver that
14 you're using. It could be somebody else's transmitter. It
15 could be in your own transmitter. It could be in a
16 transmitter that is not necessarily a local transmitter. It
17 could be a pretty good distance away, although as the distance
18 increases that, that probability decreases, but a number of
19 places that it can occur.

20 Q But in that mixing process there's a degradation of,
21 of the signals when it ends up in that third place?

22 A Possibly. When you say degradation, there are two
23 forms of degradation. There could be a signal level
24 diminishing which is typical. There can also be a case where
25 the, the modulation gets a little bit garbaged or garbled, but

1 | there are cases where, where it's almost perfectly pure.

2 | Q How many times has that occurred in your 30 year
3 | career where the signal in an intermodulation problem is
4 | replicated crystal clear without any degradation?

5 | A Oh, frequently.

6 | Q How many times?

7 | A Would you believe more than ten?

8 | Q When was the last time it happened?

9 | A Oh, let's see. I was -- let's see. The last time
10 | that I -- that's a good question. The last time I remember it
11 | occurring is when I was driving -- I think I was driving in
12 | downtown Gainesville and speaking -- and talking on my
13 | cellular phone and I picked up intermod. No, that wasn't it
14 | either. Yes, it was. Yes, it was. And I had a complete
15 | displacement of my signal briefly, but it was there. It was,
16 | it was in a particular location and I was moving.

17 | Q But that doesn't mean that you could hear somebody
18 | else's transmission being replicated on your cellular
19 | telephone? What you're talking about is interference,
20 | correct, Mr. Peters?

21 | A No. I'm talking about where I could actually hear
22 | somebody else's conversation on my cellular phone.

23 | Q Now, did that continue for 24 hours for days at a
24 | time?

25 | A No, no. It was quite localized.

1 Q But the testimony we heard last week about the
2 duplication was going on for days on end 24 hours a day?

3 A Not, not to my recollection.

4 JUDGE CHACHKIN: I don't recall such testimony. I
5 think you're getting the interference complaints confused.

6 MR. JOYCE: No, Your Honor, I'm not. Mr. Moyer
7 testified and Mr. Capehart testified they could -- sat in
8 their office. They'd have a receiver on 152.510. They'd have
9 another one tuned to 152.480 and the identical transmission
10 was going on and it wasn't just sporadic.

11 BY MR. JOYCE:

12 Q Don't you remember that?

13 A Yeah, but it's -- that's okay. The nature of, the
14 nature of the intermod experience could be just that. I --
15 I'm not understanding where you're going. I can, I can hear
16 intermod that is clear, if that's what you're concerned about.
17 The signal level may be effected. The AGCs of the receivers
18 -- these are very sensitive receivers that are being used --
19 would bring it up and you really couldn't even -- you couldn't
20 even tell a level distinction except the audio might be just a
21 little bit reduced.

22 Q Mr. Peters, you heard even Mr. Raymond talking about
23 this stereo interference complaint.

24 A I didn't, sir.

25 Q Oh, you were out of the room then. Mr. Capehart --

1 but you would have --

2 JUDGE CHACHKIN: But didn't the testimony say they
3 weren't even operating at that time?

4 MR. JOYCE: No, Your Honor.

5 JUDGE CHACHKIN: 1990? Yeah. That's exactly what
6 the testimony was.

7 MR. JOYCE: In -- and then throughout 1991. Dale
8 Capehart testified last week that he was hearing --

9 JUDGE CHACHKIN: The only testimony was in 1990 when
10 they weren't operating with which they stated they weren't
11 operating when this alleged stereo feature.

12 MR. JOYCE: It was also in 1991, Your Honor.

13 MR. HARDMAN: Your Honor --

14 JUDGE CHACHKIN: I don't believe it is.

15 MR. HARDMAN: -- is exactly with that Mr. Joyce is
16 confused between the various phases of the interference and
17 Mr. Bobbitt went through this quite carefully and the stereo
18 effect was fall of 1990. The -- that was in his formulation,
19 page 2. The tone testing phase or the tone phase --
20 sequential tone phase or whatever, that was in, in '91 and
21 that was, that was the Phase 3 and there was no testimony
22 about that being a stereo or anything of the sort.

23 JUDGE CHACHKIN: That's my recollection.

24 BY MR. JOYCE:

25 Q It's my recollection that Dale Capehart testified

1 and Ray Bobbitt testified that in 1991 Ray Bobbitt was
2 listening and he could hear exactly replications of 152.510
3 RCC transmissions going out over the PCP transmitter. That's
4 what Ray Bobbitt testified and he said it was digital
5 transmissions so you certainly couldn't hear what the people
6 said, but to his trained ear it sounded like exact duplicate
7 transmissions and that was in 1991. Don't you remember that?

8 A I remember, I remember some testimony about that --

9 Q All right.

10 A -- but, frankly, I think it related to the --

11 Q So I'm not going crazy, am I, Mr. Peters?

12 A No, no, but it related to a different time. It
13 related to this --

14 Q I'll accept that.

15 A -- to the, to the last phase, Phase 4 as I call it
16 --

17 Q Okay.

18 A -- of the interference, not to the stereo effect.

19 In my, in my recollection the stereo effect lasted -- people
20 only talked about it lasting a very short time. Then it was
21 gone.

22 JUDGE CHACHKIN: That's my recollection. Sometime
23 in 1990, that's my recollection about the stereo effect and I
24 see the Bureau counselor shaking her head so she practically
25 agrees that the stereo effect --

1 MS. FOELAK: Correct.

2 JUDGE CHACHKIN: -- was a short period in 1990.

3 BY MR. JOYCE:

4 Q Mr. Peters, if you wanted to cause interference to
5 somebody on your shared frequency environment, wouldn't one
6 way to do it be to extend your Morse Code identification to
7 make that longer than necessary?

8 A Not, not if I knew that it was a violation of the
9 FCC to not, not drop all 20 words a minute.

10 Q But my question was if you wanted to cause
11 interference in your shared frequency environment, wouldn't
12 that be one way of doing it?

13 A It's such a short -- Mr. Joyce, I'd have to say no
14 because it only happens once every half-hour or so and it --
15 you know, I don't consider that a major impediment to channel
16 transmission.

17 Q If, as the FCC determined, if it was going off every
18 15 minutes and if it lasted at least 20 seconds, wouldn't that
19 cause problems for other people operating on a shared
20 frequency --

21 MR. HARDMAN: Your Honor, I object to the question
22 because there's no foundation for that. They're asking this
23 witness a question that has absolutely no foundation in the
24 record.

25 MR. JOYCE: He sat through an entire week's worth of

1 | hearings and that was Mr. Walker's testimony. It's in his
2 | report.

3 | MR. HARDMAN: Not as I understand it.

4 | MR. JOYCE: It's in his report.

5 | MR. HARDMAN: Well, may I have the reference,
6 | please?

7 | MR. JOYCE: Private Radio Exhibit 3, page 5, second
8 | to the last paragraph, and I believe it was you, Mr. Hardman,
9 | I can't believe that you'd forget because you asked Mr. Walker
10 | to translate that into time and it's my recollection that he
11 | said --

12 | MR. HARDMAN: It says nothing here about doing it
13 | every 15 minutes.

14 | MR. JOYCE: Mr. Raymond has testified that it was
15 | set to go off in 15 minutes. It's in his direct testimony.

16 | MR. HARDMAN: I beg to differ with you. May I have
17 | a reference to that?

18 | MR. JOYCE: That's my recollection, Ken.

19 | MR. HARDMAN: Mr. Raymond is sitting right here. He
20 | submitted prepared direct. Now, may I have a reference to
21 | where he testifies that the ID was every 15 minutes?

22 | MR. JOYCE: I believe the requirement under the
23 | rules is that a station ID every 15 minutes, Your Honor.

24 | JUDGE CHACHKIN: What does that have to do with it?

25 | MR. JOYCE: Well, my question that Mr. Hardman